



Town of Groton, Connecticut

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Meeting Minutes - **Draft**

Town Council Committee of the Whole

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, January 25, 2005

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 7:03 p.m.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets, Councilor Skrmetti and Councilor Wright
Members Absent: Councilor Billing

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnayan.

3. Calendar and Communications

Councilor Bond noted the Shellfish Task Force would like a joint meeting with the Town Council, Health District, and Water Pollution Control Authority to discuss the Poquonnock River shellfishing issue. The consensus of the Committee of the Whole was to hold a special meeting before a regular Town Council meeting.

Councilor Bond received a call questioning the selection of the school contractor. Seven finalists have been narrowed to two: O&G and Gilbane. Councilor Bond stated that both have histories of environmental problems and fines. She requested a presentation from the Permanent School Building Committee on the selection process. Town Manager Oefinger stated he would expect a presentation to be made after a consultant is chosen. Staff is in the process of doing due diligence on the two firms, and has engaged the Town Attorney to look at these allegations. The Town Manager expressed concern that these allegations are being made publicly. Councilor Bond stated she would provide her research to the Town Manager. The Town Manager suggested that a meeting be held in executive session to avoid liability issues if the discussion takes place before a selection is made. Councilor Sheets asked for the Town Attorney's report.

Councilor Kolnaski noted that Group I has requested that 2001-0072 Review of Ambulance Response and Responsibilities be referred to the Committee of the Whole.

Councilor Sheets distributed an article about a taxpayer revolt against assessors.

Councilor Skrmetti noted that ticket sales for the Tercentennial Ball on February 5th have been extended through Friday.

4. Approval of Minutes

2005-0018 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole of December 14, 2004 and January 11, 2005 are hereby accepted and approved.

Discussed

January 11th minutes.

A motion was made by Councilor Skrmetti, seconded by Councilor Kolnaski, to adopt as modified.

The motion carried unanimously.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2004-0308 Alcohol Possession By Minors

Discussed

Sam Crowley, Director of the Ledge Light Health District, noted that the Board has looked at this proposed ordinance carefully. Cindy Barry reminded Councilors that underage drinking cannot be dismissed and it is a serious public health hazard. GASP has been in existence for six years. Needs assessments were conducted in 1997, 2000 and 2004 so GASP has a good idea of the problems that lead to underage drinking and substance abuse. The Social Host Ordinance sends a zero tolerance message to the community and it is part of a strategic plan to decrease adolescent drinking. Ms. Barry reviewed a handout listing supporters of the ordinance, addressing the legalities of the ordinance, citing the sources of information used to prepare the ordinance, and including information on the consequences of underage drinking.

Acting Chief Kelly Fogg noted there is an existing statute prohibiting minors from public possession of alcohol. This ordinance would make it illegal for minors to possess alcohol on private property including parties where underage drinking is occurring. There are also existing laws regarding delivery of alcohol to a minor; however, it is always difficult to ascertain who supplied the alcohol. This ordinance would make the homeowner responsible. Councilor Bond asked about entry to the property. Acting Chief Fogg explained that the ordinance would not give the police any more authority to enter private property, but enforcement would be possible if minors were observed drinking alcohol. Ms. Barry noted that there are a number of other private property locations that would be addressed by this ordinance such as the woods, the beach, etc.

Councilor Bond asked how the ordinance helps with enforcement. Acting Chief Fogg responded that it would make it illegal for minors to possess alcohol on private property. Councilor Sheets noted that proposed bill 6153 would make it illegal for minors to possess alcohol on private property. Ms. Barry explained that this ordinance takes it one step further by including a fine and assigning responsibility to an adult.

Mr. Crowley explained that the education component has been addressed and this is the enforcement facet.

Councilor Bartinik suggested it would be valuable to add an education session for the parents as a penalty in addition to the fine. Discussion followed and it was noted that the suggestion could be considered at public hearing or added to the ordinance. Cindy Barry suggested it would be difficult to impose that penalty without a court mandate. The \$90.00 fine was established in an attempt to bypass the court system and keep the issue in the community.

Councilor Wright asked what would trigger the ordinance, i.e. is there a component of knowledge or intent on the part of the adult. Kelly Fogg stated that yes, the adult would have to be present. Councilor Sheets noted that "underage" is under 21 in Connecticut. Exceptions to the ordinance are the adult's own children. Councilor Sheets asked if a report has been prepared on the experiences of other municipalities that have adopted this ordinance, and Acting Chief Fogg stated no, only a survey by CCM regarding adoption of the ordinance. Assistant to the Town Manager Lee Vincent stated he would investigate other communities' experiences.

Councilor Wright asked if there is any way to determine the deterrent effect of the ordinance. Cindy Barry talked to Senator Bill Finch about legislation that was proposed last year and never approved. Senator Finch is willing to prepare a written statement for the Council. Councilor Wright suggested that preventing alcohol possession by minors may be hampered by this ordinance because it is a fairly minor penalty compared to the law that prohibits anyone from giving alcohol to minors and includes a fine and jail time. Acting Chief Fogg agreed that the police would rather use the statute, but the problem is getting the information on who supplied the alcohol. It is much easier to determine who hosts a party.

Councilor Bartinik suggested that this ordinance removes the reasonable view of the parent who gives kids alcohol at home to keep them from drinking and driving and he stated the Town should respect the parents' view of how to raise their children. Ms. Barry noted that there are situations where invitees' parents do not know that another adult is supplying their child with alcohol.

A motion was made by Councilor Skrmetti, seconded by Councilor Kolnaski, to schedule a public hearing on the Ordinance Regarding Alcohol Possession by Minors for March 1, 2005.

The motion carried unanimously.

2004-0048

Groton Code of Ethics

Discussed

Assistant to the Town Manager Vincent noted that there have been several discussions regarding the state's model code of ethics. Although he characterized the model code as "defective," he noted that there is a lot of momentum to require municipalities to adopt codes of ethics. The latest bill would mandate a core code of ethics, but allow municipalities to adopt their own code if it is more comprehensive. The state code is limited to financial conflicts of interest. Mr. Vincent would like the Town's code to be more comprehensive and cover personal conflicts of interest as well. He indicated he would develop a plan for the Committee of the Whole to review concepts that can be narrowed down to specific segments that can be worked on. Mr. Vincent cited some examples of areas that could be addressed.

Councilor Bartinik suggested sending this referral back to Group II to come up with a proposal for discussion. Councilor Sheets noted that Group II asked that it be brought to the Committee of the Whole to address an issue raised by Councilor Skrmetti and there is value in having the discussion in public. She suggested that the Council could have a public hearing to solicit public comment as well, which would be difficult to accomplish in a Group II meeting.

Mr. Vincent suggested a standing referral that would appear on every agenda so that the issue can be addressed bit by bit. Councilor Wright feels financial conflict is a crucial issue to discuss, as well as financial disclosure and discouragement of frivolous complaints.

2005-0008

Town Participation in CCM Lawsuits and Interventions (2005 Standing Referral)

Discussed

Councilor Bartinik and Councilor Sheets expressed their opposition to joining this intervention. Town Manager Oefinger noted that there is no action required if the Council does not want to contribute. None of the regular CCM dues are being used for this intervention.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Skrmetti, to not support CCM in its current position on Kelo v. NLDC, and to send a letter to CCM notifying them that the Town is opposed to CCM's position.

The motion carried unanimously.

2004-0312

FYE 2006 Budget

Discussed

Councilor Bartinik supported the Town Manager's suggestion on how to proceed with budget

deliberations. Councilor O'Beirne asked that copies of Superintendent Mitchell's budget submittal to the Board of Education be provided to the Council.

2002-0116**Efficiencies in Town Government (Fire Districts, DPW, GLP, and BOE)****Discussed**

Town Manager Oefinger briefed the Committee on management investigations being conducted by cadets from the Coast Guard Academy as part of their senior capstone project in management. The four areas of study are 1) IT and Building Maintenance Integration with Board of Education; 2) Dispatch and Emergency Operations Function Location; 3) Performance Measures in the Budget; and 4) Poquonnock Bridge Fire District Consolidation. These studies will be conducted in a short time frame and will not represent a big drain on staff time. Councilor Sheets commended the Town Manager on finding a no cost way to take a broad look at some of the efficiency issues that have been discussed by the Council.

Town Manager Oefinger stated he received a number of compliments on the Golf Course Study and the presentation by the consultant. The Town Council needs to consider the study recommendations and implementation. Town Manager Oefinger recommended a special meeting to discuss this issue with staff, the Parks and Recreation Commission, and the RTM Parks and Recreation Committee. A special meeting of the Committee of the Whole was scheduled for February 15th at 6:00 p.m.

2005-0020**Town Property, Route 117 - Conservation Easement****Discussed**

Brae Rafferty and Lorraine Santangelo were invited to participate in the discussion of this item with the Committee. Councilor Wright proposed a resolution to implement a Conservation Commission recommendation that the Town place a conservation easement on the undeveloped Town owned land north and east of the Jabez Smith House. The land was acquired by the Town as part of the original transfer from Clark in 1974. Portions of the property are used by Groton Ambulance and Grasso Gardens, as well as the dedicated 2.6-acre Jabez Smith House lot. Councilor Wright stated she wrote to the Town Attorney about mechanisms to pursue this dedication about a year ago and received no reply. At its last session, the General Assembly passed a public act making it clear that a municipality is empowered to grant conservation easements on publicly owned land. Councilor Wright distributed copies of a communication from the Jabez Smith House Committee supporting the Conservation Commission recommendation.

Brae Rafferty explained that he was asked by the Town Council a number of years ago to develop a list of properties to be considered as open space. Lorraine Santangelo read excerpts from the letter sent by the Jabez Smith House Committee, and a recommendation from the 1996 Historic Preservation Plan for the Town. She stated the setting for the Smith House will be impinged on and the sense of farm life will be lost if the remaining property is developed.

Councilor Sheets expressed support for the proposal. She noted that even though the Town owns the land, it might decide to do something else with the land. There are no restrictions in the current deed for the property. Councilor Sheets stated that the Conservation Commission also recommended conservation easements for the Watrous and King properties and that was never done.

Councilor O'Beirne expressed his opposition to this proposal, suggesting that the Council should not presume it is so smart that it can determine that there is no future need for this property, which would remove the decision-making capability of future Councils. Councilor O'Beirne is also opposed to turning over even limited control of Town of Groton land to any other entity. He cited the Copp property and the difficulties associated with "mixed ownership". If a conservation easement had been placed on the King property, the Town would not be able to build a school there now. Councilor Skrmetti agreed that it would bind future Councils.

Councilor Bond suggested that land should be set aside to make sure that people want to live here, and she supports the proposal.

Councilor Wright feels there is a place for publicly owned land with and without restrictions on use, and she suggested there could be a mechanism for dedicating this property to public open space. She feels the Council should implement the Conservation Commission's recommendation.

Councilor Skrmetti stated the property is currently open space and it would take a conscious decision by the Council, subject to deliberations, to change it. The Council is not ignoring the commissions. The Council listens to their recommendations and considers them, but must still make the final decision.

Brae Rafferty noted this property is "perceived" open space. It was previously deeded to another entity for building purposes, but it was never built on and it reverted to the Town. Councilor Wright added that this proposal has no cost associated with it.

A motion was made by Councilor Wright, seconded by Councilor Sheets, to recommend a resolution to implement the Conservation Commission's recommendation that the Town grant a permanent conservation easement on certain undeveloped lands owned by the Town of Groton to the north and east of the Jabez Smith House, as more particularly indicated in the Conservation Commission's memorandum of recommendation dated December 11, 2001, and that the Conservation Commission be directed to recommend to the Town Council a governmental or qualifying nonprofit land conservation organization as the grantee of the conservation easement on those lands.

Councilor O'Beirne asked if there had been a permanent conservation easement on the King property, would it have been possible to build a school there. Mr. Rafferty stated that the Conservation Commission was looking to protect the wetlands and cliff area on the King property, not the entire parcel.

Councilor Kolnaski stated she can not support this proposal and thinks that the Town should look for another way to protect the property.

The motion failed by the following vote:

Votes: In Favor: 4 - Councilor Bartinik, Jr., Councilor Bond, Councilor Sheets and Councilor Wright
Opposed: 4 - Mayor Watson, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Skrmetti
Discussed

Skrmetti would support adopting a resolution supporting maintaining the property as open space, but eliminating a third party. Councilor Sheets asked if another Councilor would support a public dedication that would have a binding legal effect. Other Councilors indicated they would like additional information.

Councilor Bond asked if the Town purchases open space, does it remain open space. The Town Manager stated that if the voters are told the property is purchased for open space, it is open space, but there are different interpretations and opinions about what constitutes open space. This property was a gift and the Town is obligated to maintain the homestead. Town Manager Oefinger encouraged the Council to walk the property, and suggested that perhaps the northern boundary of the Jabez Smith House property should be moved farther north. Rather than dedicating something forever, this Council could make a statement about the intended use of the property or at least study potential uses for the property.

A motion was made by Councilor Skrmetti, seconded by Mayor Watson, to communicate to the Jabez Smith House that for the foreseeable future they should consider the entire area their area for programming purposes.

Councilor Wright suggested that the Conservation Commission's recommendation was based on

valuable natural resources on the property, independent of the Jabez Smith House. Brae Rafferty stated both were considerations. The motion and second were withdrawn.

7. Consideration of Committee Referral Items as per Town Council Referral List

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, to adjourn the meeting at 9:45 p.m.

The motion carried unanimously.